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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,784	04/13/2001	Naoto Kinjo	Q63868	1919
7590	02/07/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			HESSELTINE, RYAN J	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/833,784	KINJO, NAOTO
	<b>Examiner</b>	<b>Art Unit</b>
	Ryan J Hesseltine	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
  - 4a) Of the above claim(s) 6-23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____.   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species I, Figures 1-3, corresponding to claims 1-3, in the reply filed on July 30, 2004 is acknowledged. Upon further consideration, it has been determined that claims 4 and 5 also read on the elected species.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Image processing method using conditions corresponding to an identified person."

### ***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (USPN 6,396,963, newly cited, hereafter Shaffer).

7. Regarding claim 1, Shaffer discloses an image processing method for applying image processing to an inputted image data, comprising the steps of: registering predetermined image processing conditions (e.g. exposure parameters) for each specific person (customer) in advance (column 4, line 32-52); extracting a person in said inputted image data (column 6, line 30-44); identifying the extracted person to find if the extracted person is the specific person (column 7, line 39-46; column 8, line 33-49); and selecting image processing conditions corresponding to said identified specific person to perform the image processing based on said selected image processing conditions (column 4, line 32-52; column 5, line 22-62). Shaffer does not explicitly disclose that the customer is the person that is extracted from the image and identified for the purpose of selecting image processing conditions, but the customer/user profile that is stored includes customer identification, exposure parameters, face recognition feature vectors of the immediate family and extended family, etc. that could obviously be used to associate each person with his or her own image processing conditions (column 5, line 54-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to select image processing conditions corresponding to a person identified in an input image in order to process

the image based on the identified person's specifications (column 4, line 37-52; column 5, line 39-62).

8. Regarding claim 2, Shaffer discloses that the extracted person is identified using a face image of said specific person registered in advance or person designation information (customer profile) accompanying a photographed frame (column 5, line 54-62; column 6, line 37-42; column 7, line 42-46; column 8, line 40-49).

9. Regarding claim 3, Shaffer discloses that a plurality of kinds of image processing conditions (exposure parameters, Advanced Photo System IX data, meta data, desired output product or product type, face recognition feature vectors) are set for said each specific person (customer) as said predetermined image processing conditions to be registered for said each specific person in advance (column 4, line 37-52; column 5, line 26-62).

10. Regarding claim 4, Shaffer discloses that said image processing is performed by using at least one image processing condition selected from said plurality of kinds of image processing conditions (column 4, line 53-column 5, line 21; column 7, line 6-46).

***Allowable Subject Matter***

11. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: claim 5 contains subject matter not found in the prior art of record including setting whether image processing under the selected image processing conditions is applied to an image as a whole or applied only to the person or the person and a vicinity of the person.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPN 5,629,752 to Kinjo discloses a method of determining an exposure amount using optical recognition of facial features.
- USPN 5,907,391 to Kobayashi et al. discloses a method and apparatus for accepting an order for photographic processing from a customer including photographic processing conditions.
- USPN 5,978,100 to Kinjo discloses a method of determining a principal portion of an image and method of determining a copying condition.
- USPN 6,097,470 to Buhr et al. discloses a digital photo-finishing system including scene balance, contrast normalization, and image sharpening wherein adjustable parameters may be supplied or selected by a customer.
- USPN 6,344,858 to Vuylsteke et al. discloses a method of evaluating image processing performed on a radiographic image including displaying identification data associated with stored sets of data including processing parameters.
- USPAP 2003/0067636 to Kanno et al. discloses an image processing apparatus and method wherein a user can designate whether an image should be processed using processing conditions corresponding to an input identification code.
- USPN 6,798,921 to Kinjo discloses a method for image designating and modifying process wherein image adjusting/correcting steps are applied not only to the whole image, but also any region of the image.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J Hesseltine whose telephone number is 703-306-4069. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan J. Hesseltine  
February 4, 2005

JINGGE WU  
PRIMARY EXAMINER

